

State of California—Health and Human Services Agency  
**Department of Health Services**



**GRAY DAVIS**  
Governor

April 21, 2006

TO: HEALTH CARE PROVIDERS

SUBJECT: HIV REPORTING BY NAME – PUBLIC HEALTH ACCESS TO  
PROTECTED HEALTH INFORMATION

California law for reporting HIV infection by name became effective on April 17, 2006. The California Department of Health Services, Office of AIDS (OA) collaborates with local health departments (LHDs) to assure timely and accurate reporting of HIV and AIDS data. The purpose of this letter is to: 1) address the confidentiality restrictions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); 2) provide assurances that public health disease surveillance is exempted from the HIPAA Privacy Rule; and 3) reiterate that health care providers are required to report HIV and AIDS by name.

The HIPAA Privacy Rule does not restrict ongoing public health HIV/AIDS surveillance practices, including access to personal health information for the purposes of disease surveillance, investigation, or intervention. Title 45 of the Code of Federal Regulations Subtitle A, Subchapter C, Part 164 of the Rule, Subpart E, Section 164.512 reads in part:

- (b) Standard: uses and disclosures for public health activities.
- (1) Permitted disclosures. A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to:
  - (i) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease...including, but not limited to, the reporting of disease...and the conduct of public health surveillance, public health investigations, and public health interventions...



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The California Health and Safety Code 121022 requires laboratories and health care providers to report cases of HIV infection to the local health officer using the patient's name. Providers must complete a case report form (DHS 8641) for every HIV-infected patient under their care. Failure to submit case reports may subject a health care provider to citation and fine penalties as described in CCR, Title 16; Division 13; Chapter 2; Article 6; Sections 1364.10-1364.11.

Health care providers may find it more practical to allow LHD representatives to complete HIV case reports on their behalf. Arrangements must be made with the LHD, but due to the heavy load of case work currently underway at the local level, providers are encouraged to report cases directly, if at all possible.

An updated list of local HIV/AIDS surveillance coordinators are posted on the OA web site at [www.dhs.ca.gov/AIDS](http://www.dhs.ca.gov/AIDS). The complete text of HIPAA is available at [www.hhs.gov/ocr/regtext.html](http://www.hhs.gov/ocr/regtext.html).

Thank you in advance for your cooperation in this important undertaking. Should you have questions or if I can be of any other assistance to you, please contact me at (916) 449-5832, or Laura E. Lund, Chief, HIV/AIDS Case Registry Section, OA, at (916) 449-5866. Please contact your LHD for specific instructions and protocol for HIV reporting.

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California Conference of Local Health Officers

Local HIV/AIDS Surveillance Coordinators